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Letter dated 9 January 1995 from the Permanent Representative of Croatia to the United Nations addressed to the Secretary-General

In addition to my previous letters dated 5 October, 9 November and 5 December 1994 (A/49/473-S/1994/1129, A/49/655-S/1994/1272 and A/49/754-S/1994/1379 respectively), I have the honour to refer to your letter dated 4 January 1995 addressed to the President of the Security Council (S/1995/6) and its annex.

The latter report, although similar to previous reports, is to date the most unfortunate, in particular regarding the Co-Chairmen's interpretation of the standing Security Council resolution 820 (1993), in its paragraph 12. We would like to reiterate that resolution 820 (1993) remains in force, in spite of the failed attempt to reconfirm the applicability of some of its relevant provisions, due to the veto cast by a permanent member of the Security Council on 2 December 1994. The Co-Chairmen note that "some comments have been made about the relevance of Security Council resolution 820 (1993) ... to the activities of the Mission", in reference to paragraph 12 of resolution 820 (1993), which states:

> Decides that import to, export from and transshipment through the United Nations Protected Areas in the Republic of Croatia and those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces, with the exception of essential humanitarian supplies including medical supplies and foodstuffs distributed by international humanitarian agencies, shall be permitted only with proper authorization from the Government of the Republic of Croatia or the Government of the Republic of Bosnia and Herzegovina, respectively."

From this clear and unambiguous language of the Security Council, the International Conference on the Former Yugoslavia Mission has concluded the following:

> "Paragraph 12 of resolution 820 (1993) empowers the Government of the Republic of Croatia to control authorizations for imports to, exports from and transshipments through the United Nations Protected Areas (UNPAs) in the Republic of Croatia only for the purpose of ensuring that no goods prohibited in respect of the Federal Republic of Yugoslavia (Serbia and Montenegro) by that resolution or by resolutions 757 (1992) and 787 (1992) are imported to, exported from or transshipped through those areas of the Republic of Bosnia and Herzegovina under the control of the Bosnian Serb forces without proper authorization from the Government of Bosnia and Herzegovina." (S/1994/6, annex, para. 6)

We wish to emphasize that it is solely within the sovereign rights of the Croatian Government - notwithstanding the provisions of Security Council resolutions 757 (1992), 760 (1992), 787 (1992) and 820 (1993) against the "Federal Republic of Yugoslavia (Serbia and Montenegro)" - to decide which goods are to be imported to, exported from or transshipped through these parts of Croatia, if it is assured that by no means the said goods could be diverted to the territory of the "Federal Republic of Yugoslavia (Serbia and Montenegro)" or the parts of the Republic of Bosnia and Herzegovina under the control of the Bosnian Serbs, and against the provisions of resolution 943 (1994).

Moreover, I should like to recall that the Security Council adopted the language of paragraph 12 of resolution 820 (1993) with the sole purpose of reiterating the sovereignty of the Republic of Croatia over its entire territory and within its internationally recognized borders. It was never the intention of my Government to isolate the local population living in the occupied territories, or to deprive them of their essentials. Our signature to the Agreement of 2 December 1994 reaffirms that commitment. However, there is not a single instance recorded where the local Serbs from the occupied territories came forward with the request for export, import or transshipment, in the 20 months since the adoption of resolution 820 (1993) and the appropriate internal legislation of Croatia.

Further, my Government finds outrageous the statement in paragraph 7 of the Co-Chairmen's report that they facilitated the supply of fuel to the Croatian Serbs in order to prevent them from being "thrown ... into the arms of the Bosnian Serbs", while the same oil provided by the International Conference on the Former Yugoslavia monitoring Mission enabled them to engage and remain engaged in most serious attacks on the United Nations safe area of Bihać, alongside their brethren from Bosnia and Herzegovina. We would like to emphasize that the policy of buying the positive attitude of the Serbs by providing them with fuel has proved short-sighted and harmful to the peace process.

In one communication, the Co-Chairman elaborated on the question of oil shipments. He believed that the fact that the Security Council could put an end to his illegal arrangements would give my Government a dangerous stranglehold on all supplies that would be allowed to enter the UNPAs, expressing his suspicion towards Croatia wielding such power. My Government feels that this attitude and actions of the Co-Chairman are most seriously undermining the present delicate stage of negotiations. The solution is in the imminent reintegration of the

occupied territories, where the next step in this regard has to be a joint oil company as provided by the Agreement of 2 December 1994.

My Government would like to reiterate once again that the occupied territories of Croatia (consisting of parts of the UNPAs, the so-called "pink zones" and "blue zones") are exactly that: occupied parts of the independent and sovereign territory of the Republic of Croatia. No part of the Republic of Croatia is subjected or has ever been subjected to internationally imposed economic sanctions.

The Republic of Croatia shall draw the appropriate conclusions from the assessment of the policies of the International Conference on the Former Yugoslavia monitoring Mission and the International Conference on the Former Yugoslavia in general, and their impact on the peace process in the former Yugoslavia.

I would be grateful if you would have the present letter circulated as a document of the fiftieth session of the General Assembly under the agenda item entitled "The situation in the occupied territories of Croatia", and of the Security Council.

(Signed) Mario NOBILO
Permanent Representative